GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – A.P. Forest Department - Formation of road in Lingamparthy Reserve Forest in Compt. No.587 from Konda Timmapuram to China Vanthada in Yeleswaram Mandal – Illegal transportation of Laterite –Violation of Forest Conservation Act, 1980 & A.P. Forest Act, 1967 – Common disciplinary proceedings initiated – Inquiry under Rule-20 of A.P. Civil Services (CC&A) Rules, 1991 against **Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram** – Articles of Charges – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Sec.IV) DEPARTMENT

G.O.Rt.No.9 **Dated:03.01.2024.**

Read the following:

1)From the Director General, Vigilance &Enforcement Department, Vigilance Report No.55 (C.No.1678/V&E/NR-1/2016), dated 21.12.2018.
2)Memo.No.119/Sec.IV/A1/2019, EFS&T (Sec.IV) Department, dated 29.12.2023.

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ORDER:

It is proposed to hold an inquiry against Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram in accordance with the procedure laid down in Rule-20 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram, is informed that he is directed to submit a written statement of his defense within (10) days from the date of receipt of this order.

4. Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram, is informed that the inquiry will be held only in respect of those Articles of Charges as are not admitted. He should, therefore, specifically admit or deny each Article of Charge.

5. Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram, is further informed that if he does not submit his written statement of defense within the time specified in Para-3 above, further action will be taken based on the material available.

6. Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram, is informed that under Rule-24 of the A.P. Civil Services (Conduct) Rules, 1964, no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt

P.T.O.

within these proceedings, it will be presumed that Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the A.P. Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram through the Director of Mines & Geology, A.P., Ibrahimpatnam, Krishna District.

Copy to:

The Director of Mines & Geology, A.P., Ibrahimpatnam, Krishna District. (He is requested to serve the order on the individual, obtain his dated acknowledgment on the duplicate copy and resubmit the same to Government for record)
SF/SC (Computer No.1455666).

//FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI R.RAJESH KUMAR, THE THEN ASSISTANT GEOLOGIST, O/o THE ASSISTANT DIRECTOR OF MINES & GEOLOGY, RAJAMAHENDRAVARAM

That, Sri R. Rajesh Kumar, while working as Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram, the following irregularities have taken place in respect of Mining Lease held by Smt. Kude Lakshmi for Laterite in Vanthada village, Prathipadu Mandal, East Godavari District in Sy.No.7/1, 7/2, 10/p, 12/p, 16 & 17/p over an extent of 10.417 Hectares.

Charge-I:

Being the scrutinizing officer of all the Note files and correspondence put up to Assistant Director of Mines & Geology, Rajamahendravaram through him, he did not insist for:

a) NOC from forest department officials in terms of G.O.Ms.No.2 dated.02.01.2013 while submitting revised proposals for grant of mining lease for Smt. Kude Lakshmi.
b) New checklist as per latest guidelines duly furnishing the details of financial statements.

Charge-II:

While scrutinizing the Note put up by the then Surveyor, misinterpreted the G.O.Ms.No.147, dt.23.11.2013 regarding EC from SEIAA and CFE from APPCB and recommended for execution of lease deed in Page 10 of the Note file without obtaining the fresh EC & CFE for 10.417 hectares.

Charge-III:

Failed to observe the note orders of the Assistant Director of Mines & Geology that the execution of the lease deed is "subject to outcome of the revision petition" and recommended for execution of lease deed and for registration of the lease deed on the same day.

Thus, Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram by the above mentioned acts has exhibited lack of integrity, devotion of duty and conduct unbecoming of a government servant and thereby violated Rule 3(1)(2) of A.P. Civil Services (Conduct), Rules, 1964.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS AND MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI R. RAJESH KUMAR, THE THEN ASSISTANT GEOLOGIST, O/o THE ASSISTANT DIRECTOR OF MINES & GEOLOGY, RAJAMAHENDRAVARAM

Sri R. Rajesh Kumar, the then Assistant Geologist, O/o the Assistant Director of Mines & Geology, Rajamahendravaram and the following irregularities have been taken place during his tenure in respect of Mining Lease held by Smt. Kude Lakshmi for Laterite in Vanthada village, Prathipadu Mandal, East Godavari District in Sy.No.7/1, 7/2,10/p, 12/p, 16 & 17/p over an extent of 10.417 Hectares.

i) As per Office Order No.2954/E/95, dated:04.11.2009, 07.08.2012, 30.05.2013, of Assistant Director of Mines & Geology, Rajamahendravaram.

a) In the absence of the Assistant Director of Mines & Geology, in the head quarters, he shall open all tappals except D.O. Letters and confidential letters and he shall initiate action on the tappals and submit the related file for speedy disposal.

b) All the files submitted by both technical and non-technical staff should be routed through the Assistant Geologist to Assistant Director of Mines & Geology with proper scrutiny and recommendations of the Assistant Geologist for final orders.

c) He shall issue the permits when Assistant Director of Mines and Geology is out of station and submit the related files to the undersigned for ratification.

As such, every action and decision with reference to mining leases shall be in the knowledge of the Assistant Geologist. But the version of the Assistant Geologist that the file was routed through only on four occasions is not convincing. He would have asked his subordinates why the file was not routed through him on all subjects as per the office order and would have taken action against them. But he failed to do so.

ii) As per G.O.Ms.No.147, dated.23.11.2013, the mining plan, EC, CFE furnished by the mining lease holder for 10.96 hectares were already in the notice of the Government. Despite it was clearly mentioned in the GO that the mining area is restricted to 10.417 hectares and instructed to obtain Revised Mining plan for 10.417 Hectares, which clearly indicates that the same shall be obtained afresh before execution of the lease deed. The Director of Mines & Geology also instructed to obtain the same as per the GO. Hence, he failed to obtain fresh EC and CFO and recommended for execution of the lease deed in favour of Smt. Kude Lakshmi.

iii) The Assistant Director of Mines and Geology, Rajamahendravaram on 13.05.2014 in connection with the execution of the lease deed during onward submission of the file mentioned that "the lease deed executed subject to outcome of the Revision Petition". It clearly shows that he failed to observe the note orders of the Assistant Director of Mines and Geology and recommended for execution of the lease deed and for registration of the lease deed on the same day.

Thus, the Government Servant by the above mentioned acts has exhibited lack of integrity, devotion of duty and conduct unbecoming of a government servant and thereby violated Rule 3(1)(2) of A.P. Civil Services (Conduct), Rules, 1964.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI R. RAJESH KUMAR, THE THEN ASSISTANT GEOLOGIST, O/o THE ASSISTANT DIRECTOR OF MINES & GEOLOGY, RAJAMAHENDRAVARAM ARE PROPOSED TO BE SUSTAINED.

1) Vigilance Report No.55 (C.No.1678/V&E/NRI/2016), dated 21.12.2018.
2) G.O.Ms.147, Industries& Commerce Department, dated 23.11.2013.
3) Page No.10 at Para No.48 of Note File of the lease holder Smt. K. Lakshmi.
4) Office Order No.2954/E/1995, dated 20.10.2016 of Assistant Director of Mines and Geology (FAC), Rajamahendravaram.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI R. RAJESH KUMAR, THE THEN ASSISTANT GEOLOGIST, O/o THE ASSISTANT DIRECTOR OF MINES & GEOLOGY, RAJAMAHENDRAVARAM ARE PROPOSED TO BE SUSTAINED.

1) Sri Lingaraj Banakar, Complainant, Pragathi Samaj, Dalakasoti Village.
2) Officials of the Vigilance and Enforcement Department.
3) Sri Ch.Surya Chandra Rao, the then Assistant Director of Mines & Geology.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER //

SECTION OFFICER